

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Michael Miskovski	Team: Squad #3	CCRB Case #: 201910993	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Saturday, 12/21/2019 7:55 PM	Location of Incident: East Tremont Avenue and Devoe Avenue	Precinct: 48	18 Mo. SOL 6/21/2021	EO SOL 2/5/2022	
Date/Time CV Reported Fri, 12/27/2019 3:28 PM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Fri, 12/27/2019 3:28 PM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POF Merita Hoxha	11713	955988	042 DET
2. SGT Joseph Duerr	01294	953830	042 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POF Merita Hoxha	Abuse: Police Officer Merita Hoxha stopped the vehicle in which § 87(2)(b) and § 87(2)(b) were occupants.	
B.SGT Joseph Duerr	Abuse: Sergeant Joseph Duerr stopped the vehicle in which § 87(2)(b) and § 87(2)(b) were occupants.	
C.POF Merita Hoxha	Abuse: Police Officer Merita Hoxha frisked § 87(2)(b)	
D.SGT Joseph Duerr	Abuse: Sergeant Joseph Duerr frisked § 87(2)(b)	
E.POF Merita Hoxha	Abuse: Police Officer Merita Hoxha frisked § 87(2)(b)	
F.POF Merita Hoxha	Abuse: Police Officer Merita Hoxha searched the vehicle in which § 87(2)(b) and § 87(2)(b) were occupants.	
G.POF Merita Hoxha	Abuse: Police Officer Merita Hoxha failed to provide § 87(2)(b) with a business card.	
§ 87(4-b), § 87(2)(g)		
§ 87(4-b), § 87(2)(g)		
§ 87(4-b), § 87(2)(g)		
§ 87(4-b), § 87(2)(g)		

Case Summary

On December 27, 2019, § 87(2)(b) filed this complaint with the CCRB via phone on behalf of himself, his brother § 87(2)(b) and their father § 87(2)(b).

On December 21, 2019, at approximately 7:30 p.m., § 87(2)(b) drove home after shopping in the Bronx at various locations with § 87(2)(b) in the front passenger and § 87(2)(b) in the rear passenger of his aunt's vehicle. At approximately 7:50 p.m., as he drove down Boston Road, § 87(2)(b) turned onto East Tremont Avenue without activating his turn signal. Police Officer Merita Hoxha and Sergeant Joseph Duerr, both of the 42nd Precinct, stopped the vehicle. Kasaum § 87(2)(b) was driving at the intersection of East Tremont Avenue and Devoe Avenue (**Allegations A and B: Abuse of Authority, § 87(2)(g)**). PO Hoxha then approached the driver's side, while Sgt. Duerr approached the front passenger side where § 87(2)(b) sat. While PO Hoxha spoke with § 87(2)(b) concerning the driver's license and registration, she told § 87(2)(b) that she allegedly smelled marijuana. She ordered the occupants to step outside of the vehicle, and they all complied. PO Hoxha then patted down § 87(2)(b) while Sgt. Duerr patted down § 87(2)(b) (**Allegations C and D: Abuse of Authority, § 87(2)(g)**). PO Hoxha instructed § 87(2)(b) and § 87(2)(b) to stand at the trunk with Sgt. Duerr. PO Hoxha then instructed § 87(2)(b) to leave the vehicle and patted him down as well (**Allegation E: Abuse of Authority, § 87(2)(g)**). While Sgt. Duerr stood with the § 87(2)(b) family at the rear of the vehicle, PO Hoxha searched the vehicle. When she finished searching the vehicle, the § 87(2)(b) family were instructed to return to their seats and did so. PO Hoxha then searched the trunk of the vehicle (**Allegations F: Abuse of Authority, § 87(2)(g)**). When PO Hoxha finished her search of the vehicle, she returned and spoke with § 87(2)(b) telling him that she stopped him because he did not use his turn signal. She handed him a blank business card and let everyone go without issuing any summonses (**Allegation G: Abuse of Authority, § 87(2)(g)**). § 87(4-b), § 87(2)(g)

§ 87(2)(b) No one was arrested as a result of the incident either

PO Hoxha has since been reassigned to the 42nd Precinct Detective Squad.

The investigation obtained body-worn camera (BWC) footage from PO Hoxha and Sgt. Duerr (**BR 01-02**). The investigation also obtained security video footage from Tremont Wash and Lube at 1095 East Tremont Avenue in the Bronx (**BR 03**).

Findings and Recommendations

Allegation (A) Abuse of Authority: Police Officer Merita Hoxha stopped the vehicle in which § 87(2)(b) and § 87(2)(b) were occupants.

Allegation (B) Abuse of Authority: Sergeant Joseph Duerr stopped the vehicle in which § 87(2)(b) and § 87(2)(b) were occupants.

In his CCRB interview, § 87(2)(b) stated that at the time of the incident, he was driving his aunt's red 2007 Toyota Camry (**BR 04**). § 87(2)(b) was sitting in the driver seat, § 87(2)(b) was sitting in the front passenger seat, and § 87(2)(b) was sitting in the rear passenger seat. They had just finished shopping and were driving home along Boston Road in the Bronx. As they approached the intersection with East Tremont Avenue, § 87(2)(b) noticed an unmarked vehicle driving in the opposite direction. The vehicle made a U-turn and started to drive behind them. Ksaun § 87(2)(b) pulled off to the side of Boston Road and watched the vehicle pass them. § 87(2)(b) told § 87(2)(b) that the driver, PO Hoxha, appeared to be laughing as she drove past. After approximately six minutes, § 87(2)(b) started driving again and turned onto East Tremont

Avenue, but did not activate his turn signal. He saw the unmarked vehicle behind him again but did not know where it came from. The vehicle activated police lights and blipped its siren once.

§ 87(2)(b) then immediately pulled over to the side of the road by the intersection of East Tremont Avenue and Devoe Avenue and immediately rolled down all the windows. PO Hoxha approached the driver's side and asked for his driver's license and registration, which § 87(2)(b) immediately provided. At the end of the incident, PO Hoxha told § 87(2)(b) that she had pulled him over for failure to signal when making a turn.

§ 87(2)(b) provided a statement consistent with § 87(2)(b) (BR 05). However, § 87(2)(b) stated that § 87(2)(b) activated his turn signal when turning onto East Tremont Avenue from Boston Road.

§ 87(2)(b) was not interviewed by the investigation because he was out of the country when § 87(2)(b) and § 87(2)(b) were interviewed (BR 06). However, § 87(2)(b) and § 87(2)(b) provided exhaustive statements of the incident.

PO Hoxha was interviewed twice by the investigation, due to the investigation receiving BWC footage after the first interview, and on both occasions had no independent recollection of the incident (BR 07-08). She noted in her first interview that the location of the intersection of East Tremont Avenue and Devoe Avenue in the Bronx was within the confines of the 48th Precinct and not the 42nd Precinct where she was assigned. She also did not have any notes about the incident in her memo book. Based on that, PO Hoxha denied being involved in the incident and ever leaving the 42nd Precinct. In her second interview, the investigation showed PO Hoxha her BWC footage because the investigation had since received it after learning in her first interview that she believed she activated her BWC (the first BWC request was returned with negative results). Although PO Hoxha admitted that she made the stop but maintained that she did not possess any independent recollection of it nor know the reasons why she made it. She did not know why she did not document it in her memo book. PO Hoxha did not know why she left the confines of the 42nd Precinct.

Sgt. Duerr stated in his CCRB interview that he also had no recollection of the vehicle stop (BR 09). He stated that he did not remember it because the incident happened two years before his interview and furthermore that he had made fifteen other vehicle stops the day of the incident as noted in his memo book but did not remember them either. Sgt. Duerr did not know why he did not document it in his memo book nor why he left the confines of the 42nd Precinct.

PO Hoxha's memo book from December 21, 2019 noted that her tour began at 6:00 p.m. and that she made fifteen car stops that were all marked 10-91, "non-crime corrected" with the first being at 08:19 p.m. at 173rd Street and Boston Road which is within the 42nd Precinct (BR 10). Sgt. Duerr's memo book from the same date noted the same beginning of the tour and the same fifteen car stops with the same disposition of "non-crime corrected," (BR 11). Neither of their memo books show the vehicle stop of § 87(2)(b) and § 87(2)(b).

PO Hoxha's BWC footage, contained in IA #181, opens with PO Hoxha approaching the driver side of a stopped red Toyota Camry and asking § 87(2)(b) for his driver's license and registration. It also shows that at the end of the incident located, at 06:23 in the video, PO Hoxha tells § 87(2)(b) "Here you go ok? [She hands him an object out of the bottom right of the frame]. I'm also going to give a card to explain the reason why I stopped you, you got to start signaling when you change lanes." § 87(2)(b) asks her where, and PO Hoxha says, "Back there," (BR 01). Sgt. Duerr's BWC does not capture this statement by PO Hoxha (BR 02). Surveillance footage from the car wash does not show the alleged failure to signal because it does not capture the intersection of Boston Road and East Tremont Avenue; however, it shows an unmarked police vehicle stop a red Toyota Camry (BR 03).

Since PO Hoxha and Sgt. Duerr could not remember the incident and provide any testimony as to their decision-making processes, the investigation is unable to determine whose decision it was to stop the car and if there was any discussion. Thus, the investigation pleads the stop against both officers.

According to New York Vehicle and Traffic Law Section 1163 A and B, “No person shall turn a vehicle at an intersection unless the vehicle is in proper position upon the roadway as required in section eleven hundred sixty...until such movement can be made with reasonable safety. No person shall so turn any vehicle without giving an appropriate signal in the manner hereinafter provided. (b) A signal of intention to turn right or left when required shall be given continuously during not less than the last one hundred feet traveled by the vehicle before turning,” (12 BR).

§ 87(2)(g)

Allegation (C) Abuse of Authority: Police Officer Merita Hoxha frisked § 87(2)(b)
Allegation (D) Abuse of Authority: Sergeant Joseph Duerr frisked § 87(2)(b)
Allegation (E) Abuse of Authority: Police Officer Merita Hoxha frisked § 87(2)(b)
Allegation (F) Abuse of Authority: Police Officer Merita Hoxha searched the vehicle in which
§ 87(2)(b) **and** § 87(2)(b) **were occupants.**

In his statement to the CCRB, § 87(2)(b) denied that anyone in the vehicle had smoked marijuana prior to entering the vehicle or during the drive (BR 04). He denied the presence of marijuana in the vehicle or on any person within the vehicle. He also explained that he wore a black jacket, black t-shirt, black Adidas sweatpants and a pair of black sneakers. He had lip balm in his left jacket pocket and keys in the right jacket pocket. He also had his wallet inside of the front right pocket of his sweatpants. He remembered that § 87(2)(b) wore a leather jacket with a red, white and blue striped sweater and blue jeans. § 87(2)(b) stated that in the course of the vehicle stop, once he had provided his driver’s license and registration, PO Hoxha told him that his car smelled like marijuana. She told them that she needed to search the car and instructed everyone to exit the vehicle. § 87(2)(b) stepped out of the vehicle, and PO Hoxha patted down his torso and the front pockets of his jeans. PO Hoxha did not enter any of his pockets. § 87(2)(b) did not see if § 87(2)(b) and § 87(2)(b) were similarly patted down by Sgt. Duerr because he was on the other side of the vehicle. While PO Hoxha patted down § 87(2)(b) she asked him if he had anything on him, which he took to mean drugs and weapons. He responded that he did not. Once PO Hoxha finished, she instructed everyone to stand by the trunk with Sgt. Duerr while she searched the interior of the vehicle. § 87(2)(b) stood by the trunk and faced away from PO Hoxha, but before he turned, he saw her enter the front and rear passenger doors along with the driver side door. After ten minutes, PO Hoxha ordered them back into the vehicle and asked § 87(2)(b) to open to the trunk because she needed to search it. He returned to his seat, along with § 87(2)(b) and opened the trunk. § 87(2)(b) stood at the back of the vehicle with Sgt. Duerr while PO Hoxha searched the trunk.

§ 87(2)(b) provided a statement consistent with § 87(2)(b) (BR 05). He also stated that no one smoked marijuana in the car or before entering into the car and that there was no marijuana in the car or on anyone’s person. He wore a black hooded jacket, tight jeans with sweatpants underneath, and white Jordan sneakers. He had his phone, keys, and ID in his front jacket pocket with nothing else in any other pocket to his knowledge. He did not recall what § 87(2)(b) wore. According to § 87(2)(b) PO Hoxha told § 87(2)(b) that she pulled them over because she smelled marijuana and ordered everyone out of the vehicle. § 87(2)(b) noted that once he exited the vehicle, Sgt. Duerr patted him down, starting with the torso and then moving along each

leg. Sgt. Duerr did not enter into any of § 87(2)(b) pockets. Once Sgt. Duerr finished, he then did the exact same to § 87(2)(b) patting his torso and each leg. § 87(2)(b) did not see Sgt. Duerr enter any of § 87(2)(b) pockets either. § 87(2)(b) did not see PO Hoxha search the vehicle because his back was turned to her, but he heard doors opening and shutting. After § 87(2)(b) and the rest of his family stood by the trunk for approximately five minutes, PO Hoxha instructed everyone to return to their seats so that she could search the trunk. § 87(2)(b) and § 87(2)(b) returned to their seats while § 87(2)(b) stood by the trunk with Sgt. Duerr. After two to three minutes, § 87(2)(b) returned to his seat, and PO Hoxha finished the search of the trunk.

As previously referenced, neither PO Hoxha nor Sgt. Duerr had any independent recollection of the incident (**BR 07-09**).

PO Hoxha's BWC footage, located in IA #181 shows the entirety of the incident (**BR 01**). As the video begins, PO Hoxha approaches the driver's side of a red Toyota Camry and asks § 87(2)(b) for his driver's license and registration. Sgt. Duerr stands at the passenger side. § 87(2)(b) complies and retrieves the documents from the glove box while saying that the registration and insurance are under his aunt's name. § 87(2)(b) has a calm and compliant demeanor while speaking with PO Hoxha. At 01:30, PO Hoxha asks, "You guys have weed in the car? Been around anyone who's smoked weed? Or smoked weed or anything like that? No? For some reason I smell weed coming out of the car so I'm going to ask you to step out of the car alright?" § 87(2)(b) and § 87(2)(b) are compliant and step out of the vehicle. At 01:56, Sgt. Duerr can be seen patting § 87(2)(b) down on the other side of the car at the waist and the rear pockets. § 87(2)(b) is wearing a puffy-jacket and loose sweatpants with no bulges on the left leg (the right leg is not visible in the frame). At 02:07, PO Hoxha asks, "You guys have anything on you that I should know about?" She slides her hands down the inside and outside of § 87(2)(b) jacket and slides down each of his legs as they stand by the door of the driver's seat. § 87(2)(b) explains that they were shopping with their father who leaves the next day for Jamaica. At 02:20, PO Hoxha instructs § 87(2)(b) to stand at the rear of the vehicle with § 87(2)(b) and Sgt. Duerr. At 02:30, PO Hoxha walks to the rear of the vehicle and tells § 87(2)(b) to step out of the rear passenger and stand at the trunk. § 87(2)(b) is calm and compliant as well. He wears a regular-fit leather jacket and tight blue jeans without any visible bulges. He unzips his jacket for PO Hoxha as he stands. At 02:34, PO Hoxha pats down the outside and inside of § 87(2)(b) jacket and feels each leg, then directs him to stand by the back of the vehicle.

At 02:54, PO Hoxha walks to the front passenger side of the vehicle and leans into it (**BR 01**). From the sound on the video, she touches the center console and opens it. At 03:22, PO Hoxha walks to the rear of the vehicle and searches the seats and the armrest. She looks inside of a shopping bag at 03:44. At 04:03, she walks to and looks inside of the driver's side of the vehicle. At 04:12, she instructs the group to enter the vehicle now that she finished searching it. At 04:17, PO Hoxha tells § 87(2)(b) to open the trunk. § 87(2)(b) complies and opens the trunk while returning to the car. PO Hoxha tells him that everything is on camera and he does not have to worry. At 05:11, PO Hoxha looks through the wheel-well in the trunk and the shopping bags in the trunk. At 05:42, PO Hoxha opens shoe boxes and looks inside of them. At 06:04, she searches under the mat in the trunk and down to the spare wheel. By 6:14, PO Hoxha finishes the search of the trunk.

Sgt. Duerr's BWC footage, located in IA #182, is consistent with PO Hoxha's BWC (**BR 02**). Sgt. Duerr's BWC captures a better angle of his pat down of § 87(2)(b). Once PO Hoxha orders the occupants out of the vehicle, at 01:50, § 87(2)(b) steps out of it calmly and compliantly. He wears a loose-fitting black jacket, but his pants are not visible in the frame. Sgt. Duerr asks, "Bro you got any sharp, any needles or anything like that?" Sgt. Duerr then pats the outside of § 87(2)(b) jacket from his chest to the side pockets and down to the legs. Sgt. Duerr's BWC footage also captures that PO Hoxha pats down § 87(2)(b) from 02:33 to 02:41. At 02:58, § 87(2)(b) now standing with Sgt. Duerr states that, "This is why I moved from New York years ago."

You go to Florida, this shit doesn't happen. You have to have a reason there. You smell weed in the car?" Sgt. Duerr replies, "I do." § 87(2)(b) states that no one in the car smoked. § 87(2)(b) states that they pulled him over before they could have smelled the marijuana. At 03:24, Sgt. Duerr says, "I'm going to be honest with you: I didn't smell it while you were driving. The only time I smelled it was when I approached your vehicle." The rest of the footage is consistent with PO Hoxha and does not show anything from a better angle.

Security video footage from Tremont Wash and Lube located in IA #26 does not show the incident well because the camera is across several lanes of traffic and the stop occurs in the upper corner of the screen (**BR 03**). However, the stop and search of the vehicle can be seen from 04:47 until 12:15. It does not reveal any information that is not already found in the BWC.

In her second CCRB interview, the investigation showed PO Hoxha her BWC footage, but it did not assist her with her recollection of the incident nor of the reasons for her actions (**BR 08**). PO Hoxha received training at the Police Academy on how to identify the odor of marijuana. She explained that she was able to distinguish the difference between burnt and unburnt marijuana: burnt marijuana smelled like the smell of unburnt marijuana mixed with smoke. She stated that unburnt marijuana had a very strong smell, but a person has to be in close proximity to it in order to smell it. PO Hoxha could not remember how many marijuana related arrests that she had participated in. She estimated that she has participated in at least 50 car stops where the odor of marijuana was present.

PO Hoxha also noted that when she smells marijuana in a car and will be searching for it, she normally pats down the individuals who are occupants of the car (**BR 08**). She noted that she pats down to check for weapons and for possible marijuana on their persons due to the odor. She stated that there were no other reasons for her to pat them down. PO Hoxha did not recall if she saw any bulges or anything that could have represented a weapon on § 87(2)(b). She did not remember if there was any reason why she believed that § 87(2)(b) could have had a weapon on his person. PO Hoxha also agreed that based on the BWC footage that she patted down § 87(2)(b). She did not know why she patted him down aside from looking for any possible weapons or the marijuana that she smelled. PO Hoxha did not remember if she had any reason to believe that § 87(2)(b) had weapons on his person or any bulges. PO Hoxha noted that in the protocol of a car stop where she had smelled marijuana, she was allowed to pat down the passengers of a vehicle as well as the driver. Further, PO Hoxha noted that she would have searched the vehicle to try and find the source of the odor of marijuana. PO Hoxha noted that according to her understanding of police procedure when she smells the odor of marijuana, she was allowed to search the trunk of the vehicle for the source of the odor of marijuana. She did not know if she smelled burnt or unburnt marijuana from the vehicle. She was unable to determine if by searching the trunk itself whether she was searching for burnt or unburnt marijuana.

In his CCRB interview, the investigation showed Sgt. Duerr his BWC footage and portions of PO Hoxha's BWC (**BR 09**). Sgt. Duerr agreed that he patted down § 87(2)(b) and noted that it would have been to help find any additional source of marijuana for the odor and for no other reason. He noted that he asked about sharp objects in § 87(2)(b) pockets because once in the past, he had been stuck with a needle while patting someone down and did not want it to happen again. He did not have any other reason to ask the question. Sgt. Duerr could not remember if he ever saw any bulges on § 87(2)(b). After watching the BWC footage, Sgt. Duerr stated that it did not help him recall if he ever had a conversation with PO Hoxha about searching the vehicle before she executed the search. Sgt. Duerr also noted that he did not recall how many vehicle stops he had made during his time as an officer as of December 2019 that involved the odor of marijuana nor could he provide a ballpark estimate (**BR 09**). He believed that the number would be above 50 at the least. Sgt. Duerr noted that he was able to distinguish the smell of burnt versus unburnt marijuana: burnt marijuana smelled like marijuana that had been burned and unburnt marijuana smelled "unique" without a further explanation. He could not remember when he was trained for marijuana identification but explained that the training he did receive was designed for car stops

involving marijuana. He could only remember that it taught him different ways to recognize impairment.

Contrary to the statements of § 87(2)(b) and § 87(2)(b) the BWC footage establishes that PO Hoxha patted down § 87(2)(b) and not Sgt. Duerr, therefore the investigation pleads it against PO Hoxha.

The court ruled in *People v. Chestnut*, 43 A.D.2d 260 and 36 N.Y.2d 971 (1974), that the smell of marijuana smoke on its own can be sufficient to provide police officers, qualified by experience and training, with probable cause to search an automobile and its occupants (**BR 13-14**). In *People v Norman*, 142 A.D.3d 1107, the court expanded upon *Chestnut* by allowing for the search of a parked vehicle and its occupants when the odor of marijuana was present (**BR 28**). NYPD Patrol Guide Procedure 212-11 states that a frisk is authorized when the officers reasonable suspect the person is armed and dangers, “this includes situations in which the officer reasonably suspects that the person has committed, is committing, or is about to commit a violent crime or when the officer observes something on the person that she/he reasonably suspects is a weapon,” (**BR 15**).

§ 87(2)(g)

§ 87(2)(g)

Allegation (G) Abuse of Authority: Police Officer Merita Hoxha failed to provide § 87(2)(b) with a business card.

In his CCRB interview, § 87(2)(b) stated that after PO Hoxha searched the vehicle and everyone had returned to their seats, PO Hoxha approached § 87(2)(b) and told him that he could go to the stationhouse if he had any complaints and handed him the business card. When he arrived home, he looked at the card and noticed that it was blank in the fields where officer’s information was to be entered were blank (**BR 04**). On December 30, 20219, § 87(2)(b) provided a photograph of front and the back of the business card that he received from PO Hoxha to

the investigation (**BR 16**). The photo shows that on the front of the card, the sections for rank, last name, shield number, and command are left blank and the back of the card contains standard phone numbers for Crime Stoppers, NYC Safe, 311, and information on how to request BWC footage.

§ 87(2)(b) was consistent with § 87(2)(b) in his statement regarding this part of the incident (**BR 05**).

PO Hoxha did not recall the incident, and as such did not remember handing a business card to § 87(2)(b) (**BR 07-08**). PO Hoxha knew that she had business cards that were not filled out with her personal information and would have to fill them out herself. She did not have the pre-printed cards. She did not recall if she gave a business card to § 87(2)(b) at all. PO Hoxha explained that she always provided a business card when she makes a vehicle stop without a summons.

Sgt. Duerr noted that he had pre-printed business cards for himself but did not know if PO Hoxha had the blank or pre-printed type of cards. He did not recall if PO Hoxha provided a business card to § 87(2)(b) let alone a blank one (**BR 09**).

As referenced in **Allegations A-B**, PO Hoxha's BWC footage, located in IA #181, shows that at 06:18 when she has finished searching the trunk of the vehicle, she approaches the driver's window. At 6:22, she hands § 87(2)(b) something at the bottom right corner of the frame and says, "Here you go, ok? I'm also going to give a card to explain the reason why I stopped you: you gotta (sic) start signaling when you change lanes." § 87(2)(b) asks her where, and PO Hoxha says, "Back there," (**BR 01**). BWC footage does not show PO Hoxha filling out the card that she hands to § 87(2)(b) nor does it ever show the business card in the frame at any point in the footage. Sgt. Duerr's BWC footage does not capture this statement by PO Hoxha (**BR 02**).

According to the New York City Administrative Code 14-174 officers must provide a business card at the conclusion of a search of "persons or property, including vehicles" that contains their "name, rank, and command," whether handwritten or pre-printed (**BR 17**). NYPD Patrol Guide Procedure 203-09 states that an officer must "offer member of the public a generic Right to Know Business Card—general with identification information written down legibly, if supply of pre-printed Right to Know Business Cards becomes depleted (e.g., awaiting new supply of pre-printed Right to Know Business Cards, etc.), upon conclusion of law enforcement activities," also noting that a law enforcement activity includes searches of vehicles (**BR 18**). Both the New York City Administrative Code 14-174 and NYPD Patrol Guide Procedure 203-09 note that the business card must be offered "except in cases when a summons is issued or an arrest is made, or exigent circumstances are present (i.e., physical resistance, flight, imminent danger of physical injury or damage to property, or other factors make such procedure impractical)," (**BR 17-18**).

§ 87(2)(g)

[REDACTED]

§ 87(4-b), § 87(2)(g)

Civilian and Officer CCRB Histories

- This is the first CCRB complaint to which § 87(2)(b) and § 87(2)(b) have been parties (BR 21-22).
- § 87(2)(b)
- PO Hoxha has been a member of service for seven years and has been a subject in ten other CCRB complaints and 37 allegations, of which five were substantiated.:
 - 201806458 involved substantiated allegations of a frisk, question and search of person against PO Hoxha. The Board recommended Formalized Training and the NYPD imposed Formalized Training.
 - 201903423 involved substantiated allegations of failure to provide a business card against PO Hoxha. The Board recommended Command Discipline A and the NYPD imposed Command Discipline A.
 - 201904508 involved substantiated allegations of failure to provide a business card against PO Hoxha. The case also contained a frisk, vehicle search, vehicle stop allegations against PO Hoxha. § 87(4-b), § 87(2)(g)
- The case is pending Board review.
- Sgt. Duerr has been a member of service for eight years and has been a subject in five other CCRB complaints and thirteen allegations, of which one was substantiated.:
 - 201903423 involved substantiated allegations of failure to provide a business card against Sgt. Duerr. The Board recommended Command Discipline A and the NYPD imposed Command Discipline A. The case also contains unsubstantiated allegations of a search of person, vehicle stop, and a vehicle search against Sgt. Duerr. § 87(4-b), § 87(2)(g)

Mediation, Civil, and Criminal Histories

- § 87(2)(b) declined to mediate this complaint.
- On September 28, 2021, a request for Notice of Claim was submitted to the New York City Office of the Comptroller and will be added to the case file upon receipt (**BR 24**).
- According to the Office of Court Administration, § 87(2)(b) and § 87(2)(b) have no history of convictions in New York City (**BR 25-27**).

Squad: 3

Investigator:	<u>Inv. Michael Miskovski</u>	<u>Michael Miskovski</u>	<u>10/01/2021</u>
	Signature	Print Title & Name	Date

Squad Leader: Olga Golub IM Olga Golub 10/01/2021
Signature Print Title & Name Date

Reviewer: _____

Signature _____ Print Title & Name _____ Date _____